
Benton/Franklin Superior Court

Local Civil Rule 4
CIVIL CASE SCHEDULE

(a) Case schedule. Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new case file is opened, the Court Administrator or Superior Court Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule") and will provide one copy to the party filing the initial pleading.

(b) Effective Date. This rule shall apply to all cases filed on or after January 1, 2001 except as provided below.

(c) Cases Not Governed by a Civil Case Schedule. Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

- (1) Change of name;
- (2) Proceedings under RCW title 26.
- (3) Paternity
- (4) Harassment (RCW chapter 10.14);
- (5) Proceedings under RCW title 13;
- (6) Unlawful detainer;
- (7) Foreign judgment;
- (8) Abstract or transcript of judgment;
- (9) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
- (10) Civil commitment;
- (11) Proceedings under RCW chapter 10.77;
- (12) Proceedings under RCW chapter 70.96A;
- (13) Proceedings for isolation and quarantine;
- (14) Injunction;
- (15) Guardianship/Petitions under TEDRA;
- (16) Probate;
- (17) Proceedings under RCW chapter 36.70C;
- (18) Tax Warrants;
- (19) Emancipation of Minor;
- (20) Defacto Parenting;
- (21) Minor Settlements;
- (22) Condemnations;
- (23) Petitions for Transfers of Structured Settlements under RCW 19.205;
- (24) Tax Foreclosures; and
- (25) Actions brought under the Public Records Act, RCW Chapter 42.56.

(d) Service of Case Schedule on Other Parties.

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

(e) Amendment of Case Schedule. The Court, on motion of a party, on stipulation of all parties, on its own initiative, or at a Status Conference may modify the Case Schedule for good cause. The Court shall freely grant a motion to amend the case schedule when justice so requires. The motion of a party or the stipulation of all parties, shall include a proposed Amended Case Schedule, shall only be made after the moving party or parties have conferred with, and obtained approval from, the Civil Case Manager for the proposed modification of the Case Schedule, and shall include the following language: "The Civil Case Manager has been contacted and has approved the proposed modification of the Case Schedule." Motions or stipulations presented without this language shall be denied. Parties may not amend a Case Schedule by stipulation without approval of the Court. If a Case Schedule is modified on the Court's own motion,

iii. Experts. A summary of the expert's opinions and the basis therefor and a brief description of the expert's

qualifications.

(D) Exclusion of Testimony. Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires, including the payment of terms.

(E) Discovery Not Limited. This rule does not modify a party's responsibility under court rules to respond to or seasonably supplement responses to discovery or otherwise to comply with discovery before the deadlines set by this rule.

(2) If the Court finds that an attorney or party has failed to comply with the Case Schedule, failed to provide all of the information required in witness disclosures or disclosed witnesses that are not reasonably likely to be called at trial or has failed to disclose witnesses and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(3) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

(4) Except for good cause shown, trials in all civil cases subject to LCR 4 shall trail for one day. That is, trials of cases in Benton County will be called on Mondays, but the parties must be prepared to begin trial on the next day (Tuesday). Similarly, trials of case in Franklin County will be called on Wednesdays, but the parties must be prepared to begin trial on the next day (Thursday).

[Adopted Effective September 1, 2000; Amended September 1, 2001; September 1, 2003; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2007; September 1, 2009; September 1, 2010; September 1, 2011; September 1, 2013; September 2, 2014; September 1, 2015; September 1, 2016; September 1, 2017; September 1, 2018.]
